

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA
WILKES-BARRE DIVISION**

<p>In re:</p> <p>James Simmons, Keisha Simmons, fka Keisha Hoskins-Simmons,</p> <p style="text-align:center">Debtors.</p> <p>Wilmington Savings Fund Society DbA Christiana Trust, Not Individually, But Solely as Trustee for Nymt Loan Trust I</p> <p style="text-align:center">Movant</p> <p style="text-align:center">v.</p> <p>James Simmons, Keisha Simmons, fka Keisha Hoskins-Simmons,</p> <p style="text-align:center">Debtors/Respondents</p> <p>Charles J DeHart, III, Esquire Trustee/Respondent</p>	<p>Bankruptcy No. 19-bk-01991-RNO</p> <p>Chapter 13</p> <p>Related to Doc. No. 8</p> <p><u>Confirmation Hearing Date:</u> July 24, 2019 at 9:30 am</p>
--	--

**WILMINGTON SAVINGS FUND SOCIETYS' OBJECTION TO CONFIRMATION OF
DEBTORS' CHAPTER 13 PLAN**

Secured creditor, Wilmington Savings Fund Society DbA Christiana Trust, Not Individually, But Solely as Trustee for Nymt Loan Trust I, ("Wilmington"), by and through its undersigned counsel, hereby objects to the proposed Chapter 13 Plan of Debtors, Christine James Simmons and Keisha Simmons, fka Keisha Hoskins-Simmons, and in support thereof alleges as follows:

19-310950
SIMMONS, JAMES
Objection to Confirmation
Page 1

1. Debtors, Christine James Simmons and Keisha Simmons, fka Keisha Hoskins-Simmons, (“Debtors”), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on May 8, 2019.
2. Wilmington Savings Fund Society holds a security interest in the Debtors’ real property located 33 Fairway Drive, Marshalls Creek, PA 18335 (the “Property”), by virtue of a Mortgage recorded with the Monroe County Recorder of Deeds on January 24, 2005 in Instrument Number 200503220, which has ultimately been assigned to U.S. Bank.
3. Said Mortgage secures a Note in the amount of \$277,400.00.
4. On July 16, 2019, Champion filed its Proof of Claim as a secured creditor in the amount of \$95,956.81. A true and correct copy of the Proof of Claim (with all supporting documents) is attached hereto as Exhibit “A.”
5. The Proof of Claim further sets forth and itemizes a pre-petition arrearage of \$9,282.81.
See Exhibit “A.”
6. On October 7, 2019, Debtors filed an Amended Chapter 13 Plan (the “Plan”). A true and correct copy of the Plan is attached hereto as Exhibit “A.”
7. The Plan proposes to pay a total of \$4,239.00 over thirty-six (36) months. See Exhibit “A.”
8. The Plan intends to sell the subject property and fails to provide for Wilmington’s arrears.
See Exhibit “A.”
9. The Plan has no alternative treatment in the event the proposes efforts to sell the subject property is unsuccessful.

10. Accordingly, pursuant to 11 U.S.C.A. § 1325(a)(5) Wilmington Savings Fund Society hereby objects to Debtors' proposed Plan due to the fact that the value of the property to be distributed thereunder will be less than the allowed amount under the claim. See 11 U.S.C.A. § 1325(a)(5)(B)(ii).

WHEREFORE, Secured creditor, Wilmington Savings Fund Society, respectfully requests that this Court not confirm Debtors' Amended Chapter 13 Plan.

Respectfully Submitted,

RAS Crane, LLC
Attorney for Secured Creditor
10700 Abbott's Bridge Road, Suite 170
Duluth, GA 30097
Telephone: 470-321-7112
Facsimile: 404-393-1425

By: /s/Kevin Buttery
Kevin Buttery, Esquire
Pennsylvania Bar Number 319438
Email: kbuttery@rascrane.com

Date: November 13, 2019

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA
WILKES-BARRE DIVISION**

<p>In re:</p> <p>James Simmons, Keisha Simmons, fka Keisha Hoskins-Simmons,</p> <p style="text-align:center">Debtors.</p> <p>Wilmington Savings Fund Society Dba Christiana Trust, Not Individually, But Solely as Trustee for Nymt Loan Trust I</p> <p style="text-align:right">Movant</p> <p style="text-align:center">v.</p> <p>James Simmons, Keisha Simmons, fka Keisha Hoskins-Simmons,</p> <p style="text-align:center">Debtors/Respondents</p> <p>Charles J DeHart, III, Esquire Trustee/Respondent</p>	<p>Bankruptcy No. 19-bk-01991-RNO</p> <p>Chapter 13</p> <p>Related to Doc. No. 8</p>
---	--

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that November 13, 2019, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

PATRICK JAMES BEST
ARM LAWYERS
18 NORTH 8TH STREET
STROUDSBURG, PA 18360

19-310950
SIMMONS, JAMES
Objection to Confirmation
Page 4

JAMES SIMMONS
KEISHA SIMMONS
FKA KEISHA HOSKINS-SIMMONS
389 ROLLING HILLS DRIVE
EAST STROUDSBURG, PA 18302

CHARLES J DEHART, III, ESQUIRE
8125 ADAMS DRIVE, SUITE A
HUMMELSTOWN, PA 17036

ASST. U.S. TRUSTEE
UNITED STATES TRUSTEE
228 WALNUT STREET, SUITE 1190
HARRISBURG, PA 17101

Date: November 13, 2019

RAS Crane, LLC
Attorney for Secured Creditor
10700 Abbott's Bridge Road, Suite 170
Duluth, GA 30097
Telephone: 470-321-7112
Facsimile: 404-393-1425

By: /s/Kevin Buttery
Kevin Buttery, Esquire
Pennsylvania Bar Number 319438
Email: kbuttery@rascrane.com